

AN ACT
D.C. ACT 23-539

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 22, 2020

To amend the Energy Efficiency Standards Act of 2007 to provide energy efficiency standards for various appliances sold, rented, leased, offered for sale, lease or rent, or installed in the District, and to require that, at least every 5 years, the Mayor evaluate whether the efficiency standards for products best serve to promote energy conservation in the District of Columbia and issue a report to the Council on his or her findings.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Energy Efficiency Standards Amendment Act of 2020".

Sec. 2. The Energy Efficiency Standards Act of 2007, effective December 11, 2007 (D.C. Law 17-64; D.C. Official Code § 8-1771.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-1771.01) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1) “Air purifier” means an electric, cord-connected, portable appliance with the primary function of removing particulate matter from the air and which can be moved from room to room.”.

(3) Paragraph (2) is repealed.

(4) New paragraphs (2A), (2B), and (2C) are added to read as follows:

“(2A) “Cold temperature lamp” means a fluorescent lamp, that is not a compact fluorescent lamp, that:

“(A) Is specifically designed to start at -20°F when used with a ballast conforming to the requirements of ANSI C78.81 and ANSI C78.901; and

“(B) Is expressly designated as a cold temperature lamp both in markings on the lamp and in marketing materials, including catalogs, sales literature, and promotional material.

“(2B) “Commercial dishwasher” means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying sprays of detergent solution (with or without blasting media granules) and a sanitizing rinse.

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“(2C) “Commercial fryer” means an appliance, including a cooking vessel, in which oil is placed to such a depth that the cooking food is essentially supported by displacement of the cooking fluid rather than by the bottom of the vessel. The term “commercial fryer” includes electric fryers, where heat is delivered to the cooking fluid by means of an immersed electric element of band-wrapped vessel, and gas fryers, where heat is transferred from gas burners through either the walls of the fryer or through tubes passing through the cooking fluid.”.

(5) A new paragraph (3A) is added to read as follows:

“(3A) “Commercial steam cooker” means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact. The term “commercial steam cooker” includes countertop models, wall-mounted models, and floor models mounted on a stand, pedestal, or cabinet-style base.”.

(6) New paragraphs (4A) and (4B) are added to read as follows:

“(4A) “Faucet” means a lavatory faucet, kitchen faucet, metering faucet, public lavatory faucet, or replacement aerator for a lavatory, public lavatory, or kitchen faucet.

“(4B) “High color rendering index fluorescent lamp” means a fluorescent lamp with a color rendering index of 87 or greater that is not a compact fluorescent lamp.”.

(7) New paragraphs (5A) and (5B) are added to read as follows:

“(5A) “Impact-resistant fluorescent lamp” means a fluorescent lamp, that is not a compact fluorescent lamp, that:

“(A) Has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and

“(B) Is designated and marketed for the intended application, with:

“(i) The designation on the lamp packaging; and

“(ii) Marketing materials that identify the lamp as being impact-resistant, shatter-resistant, shatter-proof, or shatter-protected.

“(5B) “Industrial air purifier” means an indoor air cleaning device manufactured, advertised, marketed, labeled, and used solely for industrial use that are marketed solely through industrial supply outlets or businesses and prominently labeled as “Solely for industrial use. Potential health hazard: emits ozone.”.

(8) New paragraphs (7A), (7B), and (7C) are added to read as follows:

“(7A) “Metering faucet” means a fitting that, when turned on, will gradually shut itself off over a period of several seconds.

“(7B) “Plumbing fixture” means a device that connects to a plumbing system to deliver and drain away water and waste.

“(7C) “Portable electric spa” means a factory-built electric spa or hot tub that may include any combination of integral controls, water heating, or water circulating equipment.”.

(9) New paragraphs (8A), (8B), (8C), and (8D) are added to read as follows:

“(8A) “Public lavatory faucet” means a fitting intended to be installed in nonresidential bathrooms that are exposed to walk-in traffic.

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“(8B) “Replacement aerator” means an aerator sold as a replacement, separate from the faucet to which it is intended to be attached.

“(8C) “Residential ventilating fan” means a ceiling, wall-mounted, or remotely mounted in-line fan designed to be used in a bathroom or utility room to move air from inside the building to the outdoors.

“(8D) “Showerhead” means a device through which water is discharged for a shower bath and includes a hand-held showerhead but does not include a safety shower showerhead.”.

(10) New paragraphs (9A) and (9B) are added to read as follows:

“(9A) “Spray sprinkler body” means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice.

“(9B) “State-regulated general service lamp” means the following medium-based incandescent light bulbs:

“(A) Reflector lamps that are:

“(i) ER30, BR30, BR40, or ER40 lamps rated at 50 watts or less;

“(ii) BR30, BR40, or ER40 lamps rated at 65 watts; or

“(iii) R20 lamps rated at 45 watts or less;

“(B) B, BA, CA, F and G shape lamps as defined in ANSI C79.1:2002 with a lumen output of greater than or equal to 200 and rated at 40 watts or less;

“(C) A and C shape lamps as defined in ANSI C79.1:2002 with lumen output greater than or equal to 200 and less than 310;

“(D) Shatter-resistant lamps; or

“(E) 3-way lamps.”.

(11) A new paragraph (10A) is added to read as follows:

“(10A) “Urinal” means a plumbing fixture that receives only liquid body waste and conveys the waste through a trap into a drainage system.”.

(12) New paragraphs (11A) and (11B) are added to read as follows:

“(11A) “Water closet” means a plumbing fixture having a water-containing receptor that receives liquid and solid body waste through an exposed integral trap into a drainage system.

“(11B) “Water cooler” means a freestanding device that consumes energy to cool or heat potable water.”.

(b) Section 3(a) (D.C. Official Code § 8-1771.02(a)) is amended to read as follows:

“(a) This act shall apply to the following types of new products sold, leased, rented, offered for sale, lease, or rent, or installed in the District of Columbia:

“(1) Air purifiers;

“(2) Commercial dishwashers;

“(3) Commercial fryers;

“(4) Commercial hot food holding cabinets;

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- “(5) Commercial steam cookers;
- “(6) Computers and computer monitors;
- “(7) Faucets;
- “(8) High color rendering index lamps, cold temperature lamps, and impact-resistant fluorescent lamps;
- “(9) Metal halide lamp fixtures;
- “(10) Portable electric spas;
- “(11) Residential ventilating fans;
- “(12) Showerheads;
- “(13) Single-voltage external AC to DC power supplies;
- “(14) Spray sprinkler bodies;
- “(15) State-regulated general service lamps;
- “(16) State-regulated incandescent reflector lamps;
- “(17) Urinals and water closets;
- “(18) Walk-in refrigerators or freezers;
- “(19) Water coolers; and
- “(20) Any other products designated by the Mayor in accordance with section 5.”.

(c) Section 4 (D.C. Official Code § 8-1771.03) is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) A new product listed in section 3(a) shall not be sold, leased, rented, or offered for sale, lease, or rent in the District of Columbia unless the efficiency of the product meets or exceeds the efficiency standards set forth in subsection (b) of this section, or, in the case of computers and computer monitors, the standards set forth in the rules issues pursuant to subsection (d) of this section.”.

(2) Subsection (b) is amended as follows:

(A) The lead-in language is amended to read as follows:

“(b) A product listed in section 3(a) shall not be installed in the District of Columbia unless the efficiency of the new product meets or exceeds the following standards, or, in the case of computers and computer monitors, the standards set forth in the rules issues pursuant to subsection (d) of this section:”.

(B) Paragraph (1) is repealed.

(C) New paragraphs (1A), (1B), and (1C) are added to read as follows:

“(1A) Air purifiers, except industrial air purifiers, shall meet the following requirements as measured in accordance with the ENERGY STAR Program Requirements Product Specification for Room Air Cleaners, Version 2.0:

“(A) Clean air delivery rate (“CADR”) for smoke shall be 30 or greater;

“(B) For models with a CADR for smoke less than 100, CADR/Watt for smoke shall be greater than or equal to 1.7;

“(C) For models with a CADR for smoke greater than or equal to 100 and less than 150, CADR/Watt for smoke shall be greater than or equal to 1.9;

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“(D) For models with a CADR for smoke greater than or equal to 150, CADR/Watt for smoke shall be greater than or equal to 2.0;

“(E) For ozone-emitting models, measured ozone shall be less than or equal to 50 parts per billion (ppb);

“(F) For models with Wi-Fi network connection enabled by default when shipped, standby power shall not exceed 2 watts; and

“(G) For models without a Wi-Fi network connection enabled by default when shipped, standby power shall not exceed 2 watts.

“(1B) Commercial dishwashers included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers, Version 2.0, shall meet the qualification criteria of that specification.

“(1C) Commercial fryers included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Fryers, Version 2.0, shall meet the qualification criteria of that specification.”

(D) New paragraphs (2A), (2B), and (2C) are added to read as follows:

“(2A) Commercial steam cookers shall meet the requirements of the ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers, Version 1.2.

“(2B) Faucets, except for metering faucets, shall meet the following standards, as tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations, titled “Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads”, as in effect on January 3, 2017:

“(A) Lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 1.5 gallons per minute (“gpm”) at 60 pounds per square inch (“psi”);

“(B) Residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of 1.8 gpm at 60 psi, with optional temporary flow of 2.2 gpm, provided they default to a maximum flow rate of 1.8 gpm at 60 psi after each use; and

“(C) Public lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 0.5 gpm at 60 psi.

“(2C) High color rendering index fluorescent lamps, cold temperature lamps, and impact-resistant fluorescent lamps shall meet the minimum efficacy requirements contained in section 430.32(n)(4) of Title 10 of the Code of Federal Regulations as in effect on January 3, 2017, as measured in accordance with Appendix R to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations, titled “Uniform Test Method for Measuring Average Lamp Efficacy (LE), Color Rendering Index (CRI), and Correlated Color Temperature (CCT) of Electric Lamps”, as in effect on January 3, 2017.”

(E) New paragraphs (3A), (3B), (3C), (3D), (3E) are added to read as follows:

“(3A) Portable electric spas shall meet the requirements of the American National Standard for Portable Electric Spa Energy Efficiency (ANSI/APSP/ICC-14-2019).

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“(3B) Residential ventilating fans shall have a fan motor efficacy of no less than 2.8 cubic feet per minute per watt. All other residential ventilating fans shall have a fan motor efficacy of no less than 1.4 cubic feet per minute per watt for airflows less than 90 cubic feet per minute and no less than 2.8 cubic feet per minute per watt for other airflows when tested in accordance with Home Ventilation Institute Publication 916 “HVI Airflow Test Procedure.

“(3C) Showerheads shall not exceed a maximum flow rate of 2.0 gpm at 80 psi, as tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations, titled “Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads”, as in effect on January 3, 2017.

“(3D) Spray sprinkler bodies that are not specifically excluded from the scope of the WaterSense Specification for Spray Sprinkler Bodies, Version 1.0, shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of that specification.

“(3E) State-regulated general service lamps shall meet or exceed a lamp efficacy of 45 lumens per watt, when tested in accordance with the federal test procedures for general service lamps, prescribed in Section 430.23(gg) of Title 10 of the Code of Federal Regulations as in effect on January 1, 2020.”.

(F) A new paragraph (4A) is added to read as follows:

“(4A) Urinals and water closets, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the following standards, as tested in accordance with Appendix T to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations, titled “Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals”, as in effect on January 3, 2017, and water closets shall pass the waste extraction test for water closets (Section 7.9) of the American Society of Mechanical Engineers (ASME) A112.19.2/CSA B45.1-2018:

“(A) Wall-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush;

“(B) Floor-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush;

“(C) Water closets, except for dual-flush tank-type water closets, shall have a maximum flush volume of 1.28 gallons per flush; and

“(D) Dual-flush tank-type water closets shall have a maximum dual flush effective flush volume of 1.28 gallons per flush.”.

(G) A new paragraph (5A) is added to reads as follows:

“(5A) Water coolers included in the scope of the ENERGY STAR Program Requirements Product Specification for Water Coolers, Version 2.0, shall have on mode with no water draw energy consumption less than or equal the following values as measured in accordance with the test requirements of that program:

“(A) 0.16 kilowatt-hours per day for cold-only units and cook and cold units;

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“(B) 0.87 kilowatt-hours per day for storage type hot and cold units; and
“(C) 0.18 kilowatt-hours per day for on demand hot and cold units.”.

(3) New subsections (d) and (e) are added to read as follows:

“(d) Within one year after the effective date of the Energy Efficiency Standards Amendment Act of 2020, passed on 2nd reading on December 1, 2020 (Enrolled version of Bill 23-204), the Mayor shall adopt rules to establish efficiency standards for computers and computer monitors. The rules adopted pursuant to this subsection shall meet or exceed the energy efficiency requirements of § 1605.3(v) of Title 20 of the California Code of Regulations, as measured in accordance with test methods prescribed in § 1604(v) of those regulations, as in effect January 1, 2021.

“(e)(1) A new bottle-type water dispenser shall not be sold, leased, or rented, offered for sale, lease, or rent, or installed in the District of Columbia unless the efficiency of the new product meets or exceeds the efficiency standards set forth in paragraph (2) of this section.

“(2) Bottle-type water dispensers designed for dispensing both hot and cold water shall not have standby energy consumption greater than 1.2 kilowatt-hours per day, as measured in accordance with the test criteria contained in version 1.1 of the Environmental Protection Agency’s “Energy Star Program Requirements for Bottled Water Coolers,” except units with an integral, automatic timer shall not be tested using Section D, “Timer Usage,” of the test criteria.

“(3) For the purposes of this section, “bottle-type water dispenser” means a water dispenser that uses a bottle or reservoir as the source of potable water.

“(4) This subsection shall expire one year after the date described in section 3(a) of the Energy Efficiency Standards Amendment Act of 2020, passed on 2nd reading on December 1, 2020 (Enrolled version of Bill 23-204).”.

(d) Section 5 (D.C. Official Code § 8-1771.04) is amended as follows:

(1) The existing text is designated as subsection (a)

(2) The newly designated subsection (a) is amended by striking the phrase “Maryland or Virginia” and inserting the word “California” in its place.

(3) A new subsection (b) is added to read as follows:

“(b) At least once every 5 years, the Mayor shall evaluate whether the efficiency standards for products listed in section 3, or any rules issued pursuant to subsection (a) of this subsection, best serve to promote energy conservation in the District of Columbia, and issue a report to the Council on his or her findings.”.

(e) A new section 6a is added to read as follows:

“Sec. 6a. Protection against repeal of federal standards.

“(a) If any of the energy or water conservation standards issued or approved for publication by the Office of the United States Secretary of Energy as of January 19, 2017, pursuant to the Energy Policy and Conservation Act (Parts 430-431 of Title 10 of the Code of Federal Regulations) (“2017 federal standard”), are withdrawn, repealed, or otherwise voided, the minimum energy or water efficiency level permitted in the District of Columbia for such products shall be set at the 2017 federal standard, and the product shall not be sold, leased, or

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rented, offered for sale, lease, or rent, or installed in the District unless the efficiency of the product meets or exceeds the 2017 federal standard.

“(b) This section shall not apply to any federal energy or water conservation standard set aside by a court upon the petition of a person who will be adversely affected, as provided in 42 U.S.C. § 6306(b).”.

Sec. 3. Applicability.

(a) Section 2(c)(1) and (2) shall apply as of one year after the date described in subsection (b) of this section.

(b)(1) Section 2(a), (b), (c)(3), (d)(1) and (3), (e) shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(B) The date of publication of the notice of the certification shall not affect the provisions identified in paragraph (1) of this subsection.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 22, 2020

